

2016

# Zoning Board of Adjustment Annual Report

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City of Council Bluffs, Iowa

Prepared by: Community Development Department  
Address: 409 Willow Avenue, Council Bluffs, IA 51503  
Date: 3/10/17





COMMUNITY DEVELOPMENT  
(712) 328-4629

April 18, 2017

The Honorable Matthew J. Walsh, Mayor  
and Members of the City Council

Mayor and Members of the City Council:

The Zoning Board of Adjustment forwards this copy of the 2016 Annual Report for your information. This report contains a summary of the actions taken by the Board in handling various cases referred to them during the year.

I would like to take this opportunity to thank the City Council and Community Development Department staff for their effort and support during the past year. I hope that together we can continue to serve the City of Council Bluffs in a program of progressive community development.

Respectfully Submitted,

Jared Olson, Chair  
Zoning Board of Adjustment  
City of Council Bluffs, Iowa



CITY OF COUNCIL BLUFFS, IOWA - 209 PEARL STREET - 51503-0826  
FAX (712) 328-4915 - [councilbluffs-ia.gov](http://councilbluffs-ia.gov)  
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**MAYOR**  
Matthew J. Walsh

**2016 CITY COUNCIL**

Melissa Head  
Al Ringgenberg  
Roger Sandau  
Nate Watson  
Sharon White

**2016 ZONING BOARD OF ADJUSTMENT**

Bobbette Behrens  
Brandon Juon  
Memory Mescher, Vice Chair  
Jared Olson, Chair  
Pedro Vargas

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

Rose Brown, Planning Coordinator  
Cindy Clark, Administrative Secretary  
Christopher Gibbons, Planner  
Donald Gross, Director  
Patrick McFadden, Zoning Enforcement Officer  
Rebecca Sall, Assistant Planner

**2016 ZONING BOARD OF ADJUSTMENT  
MEMBERS, TERMS AND ATTENDANCE**

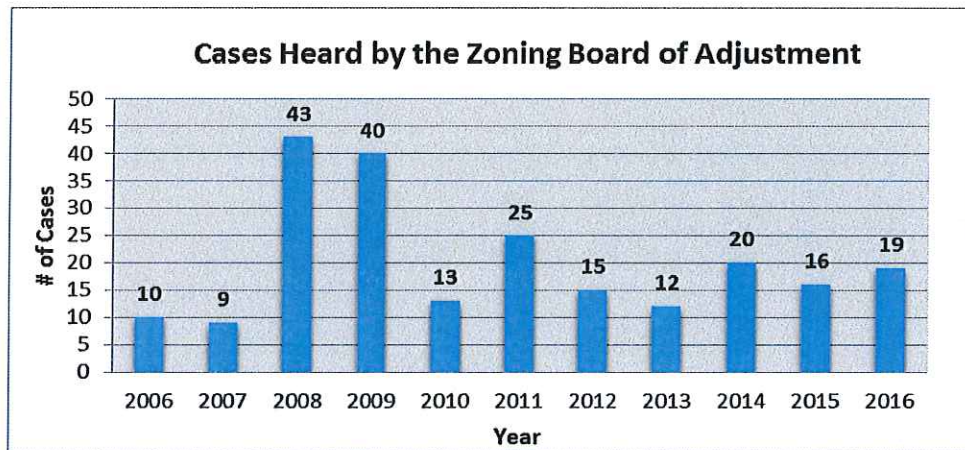
Member Name	Board Term	Meeting Attendance		
		Present	Absent	Attendance %
Bobbette Behrens	May 21, 2012- April 1, 2017	8	1	88%
Brandon Juon	June 23, 2014 – April 1, 2019	7	2	78%
Memory Mescher	November 28, 2011 – April 1, 2021	8	1	88%
Jared Olson	March 24, 2014 – April 1, 2019	9	0	100%
Pedro Vargas	July 21, 2015 – April 1, 2020	8	1	88%



## SUMMARY OF ACTIVITIES

The Zoning Board of Adjustment consists of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made by an administrative official in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality. The Board also hears and decides requests for conditional use permits.

The chart below represents the total of number of cases heard by the Zoning Board of Adjustment beginning in 2006 through 2016. In 2016, the Board heard a total of 19 cases at nine regularly scheduled meetings.



*Source: Community Development Department*

### **Variances:**

Five cases requesting variances were considered by the Zoning Board of Adjustment in 2016. The Board concurred with the staff recommendation on 2 of the cases and agreed in part on one of the cases.

### **Conditional Use Permits:**

Ten requests for new conditional use permits were considered by the Zoning Board of Adjustment in 2016. The Board concurred with the staff recommendation on all of the requests by approving all ten.

### **Conditional Use Permit Revocations**

The Zoning Board of Adjustment revoked conditional use permits previously approved for 2 properties, all of which had been requested by the Community Development Department.

### **Administrative Appeal:**

One administrative appeal was considered by the Zoning Board of Adjustment in 2016. The Board overturned the staff's decision and granted the request.

### **Extension of Time:**

One extension of time was considered by the Zoning Board of Adjustment in 2016. The Board disagreed with the staff's recommendation and granted the request.

## SUMMARY OF ACTIVITIES

## Variances - 2016

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
BA-16-001	<p><b>Applicant:</b> 1011 34th Avenue LLC a/k/a 1101 34th Avenue LLC</p> <p><b>Location:</b> 1011 – 34<sup>th</sup> Avenue</p> <p><b>Request:</b> Variances to allow less than the required five-foot parking lot and drive-aisle setback distances</p>	Denial	Approval in part and denial in part
BA-16-002	<p><b>Applicant:</b> Matthew Sibley</p> <p><b>Location:</b> 18 Lakewood Villa</p> <p><b>Request:</b> Variances to allow an accessory structure in front of the principal structure</p>	Approval	Approval
BA-16-003	<p><b>Applicant:</b> Michael and Joan Rau</p> <p><b>Location:</b> 26 Buena Vista Drive</p> <p><b>Request:</b> Variances to allow an accessory structure in front of principal structure and to enlarge a nonconforming structure</p>	Denial	Approval
BA-16-004	<p><b>Applicant:</b> Tyson Foods</p> <p><b>Location:</b> 2700 – 23<sup>rd</sup> Avenue</p> <p><b>Request:</b> Variance to postpone paving two surface storage areas</p>	Case withdrawn prior to ZBA hearing	Case withdrawn prior to ZBA hearing
BA-16-005	<p><b>Applicant:</b> J Development Company</p> <p><b>Location:</b> 103 West Broadway</p> <p><b>Request:</b> Variance to allow less than a 5 foot parking setback from the east property line</p>	Approval	Approval
BA-16-006	<p><b>Applicant:</b> Dallas Johnson Greenhouses</p> <p><b>Location:</b> 2802 Twin City Drive</p> <p><b>Request:</b> A variance to allow a 43 square foot wall sign on a new office building.</p>	Approval	Approval

## SUMMARY OF ACTIVITIES

## Conditional Use Permits - 2016

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-15-004	<p><b>Applicant:</b> Ganeeden Properties, LLC</p> <p><b>Location:</b> Northwest corner of Avenue M and North 14<sup>th</sup> Street</p> <p><b>Request:</b> Conditional use permit to allow a salvage operation/storage yard in an I-2 District.</p>	Approval, with conditions	Approval, with conditions
CU-16-001	<p><b>Applicant:</b> Western JDB Realty, LC</p> <p><b>Location:</b> 1/2 block south of the southeast corner of South 28<sup>th</sup> Street and West Broadway</p> <p><b>Request:</b> Conditional use to allow automobile sales and rental in a C-2 District.</p>	Approval, with conditions	Approval, with conditions
CU-16-002	<p><b>Applicant:</b> Goldie Nielsen</p> <p><b>Location:</b> 3521 – 11<sup>th</sup> Avenue</p> <p><b>Request:</b> Conditional use permit to allow day care services in an R-2 and R-3 District.</p>	Approval, with conditions	Approval, with conditions
CU-16-003	<p><b>Applicant:</b> TJM Enterprises, Inc.</p> <p><b>Location:</b> 2790 Twin City Drive</p> <p><b>Request:</b> Conditional use permit to allow commercial storage in a C-2 District.</p>	Approval, with conditions	Approval, with conditions
CU-16-004	<p><b>Applicant:</b> Matt Fatka, on behalf of Highway Signing Inc.</p> <p><b>Location:</b> East of 3346 16th Avenue and North of 3220 Nebraska Avenue.</p> <p><b>Request:</b> Conditional use permit to allow a contractor yard in an I-2 District.</p>	Approval, with conditions	Approval, with conditions



## SUMMARY OF ACTIVITIES

## Conditional Use Permits - 2016

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-16-005	<b>Applicant:</b> Michael Corcoran <b>Location:</b> 1109 North 15 <sup>th</sup> Street <b>Request:</b> Modify existing conditional use permit to allow small engine repair.	Approval, with conditions	Approval, with conditions
CU-16-006	<b>Applicant:</b> B&B Real Estate Investments, LLC <b>Location:</b> East of East Manawa Drive and south of tank farm <b>Request:</b> Conditional use permit to allow a salvage operation in an I-2 District.	Approval, with conditions	Approval, with conditions
CU-16-007	<b>Applicant:</b> CHA Properties, LLC <b>Location:</b> 719 Mill Street <b>Request:</b> Conditional use permit to allow a business/professional office in an R-3 District.	Approval, with conditions	Approval, with conditions
CU-16-008	<b>Applicant:</b> Shelly Biggs <b>Location:</b> 1501 – 10 <sup>th</sup> Avenue <b>Request:</b> Conditional use permit to allow a storage yard in an I-2 District.	Approval, with conditions	Approval, with conditions
CU-16-009	<b>Applicant:</b> Acme Real Estate, Inc./ DNA Motors LLC <b>Location:</b> 1115 Veterans Memorial Highway <b>Request:</b> Conditional use permit to allow automobile sales and rental in a C-2 District.	Approval, with conditions	Approval, with conditions



## SUMMARY OF ACTIVITIES

## Appeals and Extension of Time - 2016

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
AP-16-001	<b>Applicant:</b> Tom Lustgraaf <b>Location:</b> 1200 – 7 <sup>th</sup> Avenue <b>Request:</b> Appeal administrative decision that the legal non-conforming use at 1200-7 <sup>th</sup> Avenue had been abandoned.	Uphold decision	Overturned decision
ET-16-001	<b>Applicant:</b> Stewarts Parking Ltd. <b>Location:</b> 807 South 21 <sup>st</sup> Street <b>Request:</b> Extension of time for the resumption of a legal non-conforming use (tavern) at 807 South 21 <sup>st</sup> Street.	Uphold decision	Overturned decision

## Conditional Use Permit Revocations - 2016

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-88-002	<b>Location:</b> 1501 – 5 <sup>th</sup> Avenue <b>Conditional Use:</b> Professional office in an R-2 District, approved on March 15, 1988.	Revoke	Revoke
CU-90-004	<b>Location:</b> 130 Frank Street <b>Conditional Use:</b> Day care nursery in an AP District, approved on March 20, 1990.	Revoke	Revoke

# Zoning Board of Adjustment (ZBA) - 2016 Case Location Map

